

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): William A. Hudson and Raymond Cracauer

Serial No.: To Be Assigned

Group Art Unit: To Be Assigned

Filed: October 27, 2003

Examiner: To Be Assigned

For: CHILD-RESISTANT FLUID DELIVERY DEVICE

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313

Sir:

This Information Disclosure Statement is filed in accordance with 37 C.F.R. §§1.56, 1.97 and 1.98. The items listed on Form PTO-1449, a copy of which is enclosed, are made of record to assist the Patent and Trademark Office in its examination of this application. The Examiner is respectfully requested to fully consider the items and to independently ascertain their teaching.

1. ☐ For each of the following items listed on the enclosed copy of Form PTO-1449 that is not in the English language, an English language translation of that item or a portion thereof or a concise explanation of the relevance of that item is enclosed:

2. ☐ For each of the items listed on the enclosed copy of Form PTO-1449 that is not in the English language, a concise explanation of the relevance of that item is incorporated in the specification of the above-identified application.
3. ☒ All items listed on the enclosed copy of Form PTO-1449 were previously cited by or submitted to the Patent and Trademark Office in application Serial No. 09/850,251, filed May 7, 2001 to which the present application claims the benefit of priority under 35 U.S.C. §120. Pursuant to 37 C.F.R. §1.98(d)(1) and (2) copies of such references need not be provided.
4. ☒ No fee is due under 37 C.F.R. §1.17(p) for this Information Disclosure Statement since it is being filed in compliance with:
 - ☒ 37 C.F.R. §1.97(b)(1), within three months of the filing date of a national application other than a CPA; or


- ☐ 37 C.F.R. §1.97(b)(2), within three months of the date of entry into the national stage as set forth in §1.491 in an international application; or
- ☒ 37 C.F.R. §1.97(b)(3), before the mailing date of a first Office action on the merits; or
- ☐ 37 C.F.R. §1.97(b)(4) before the mailing date of a first Office Action after the filing of an RCE under §1.114.
5. ☐ No fee is due under 37 C.F.R. §1.17(p) for this Information Disclosure Statement since it is being filed in compliance with 37 C.F.R. §1.97(c), after the period specified in paragraph 4 above but before the mailing date of a final action or a Notice of Allowance (where there has been no prior final action), and is accompanied by one of the certifications pursuant to 37 C.F.R. §1.97(e) set forth in paragraph 9 below.
6. ☐ A fee is due under 37 C.F.R. §1.17(p) for this Information Disclosure Statement since it is being filed in compliance with 37 C.F.R. §1.97(c), after the period specified in paragraph 4 above but before the mailing date of a final action or a notice of allowance (where there has been no prior final action):
- ☐ A check in the amount of \$180.00 is enclosed in payment of the fee.
- ☐ Charge the fee to Deposit Account No. 13-4500, Order No. _____.
A DUPLICATE COPY OF THIS SHEET IS ATTACHED.
7. ☐ A fee is due under 37 C.F.R. §1.17(p) for this Information Disclosure Statement since it is being filed in compliance with 37 C.F.R. §1.97(d), after the mailing date of a final action or a notice of allowance, whichever comes first, but before payment of the issue fee, and is accompanied by:
- a. one of the certifications pursuant to 37 C.F.R. §1.97(e) set forth in paragraph 9 below; and
- b. the fee due under 37 C.F.R. §1.17(p) which is paid as set forth in paragraph 11 below.
8. ☐ A fee is due under 37 C.F.R. §1.17(p) for this Information Disclosure Statement since it is being filed in compliance with:
- a. ☐ 37 C.F.R. §1.313(b)(3) or §1.313(c)(1), after the issue fee has been paid and information cited in this Information Disclosure Statement may render at least one claim unpatentable and is accompanied by the attached Petition To Withdraw Application From Issue and fee pursuant to 37 C.F.R. §1.17(h);
- b. ☐ 37 C.F.R. §1.313(c)(2) or §1.313(c)(3), after the issue fee has been paid and information cited in this Information Disclosure Statement is to be considered in a Request for Continued Examination (RCE) or a Continuation application upon abandonment of the instant application and is accompanied by the attached Petition To Withdraw Application From Issue and fee pursuant to 37 C.F.R. §1.17(h).
- c. ☐ The fees due under 37 C.F.R. §§1.17(h) and 1.17(p) are paid as set forth in paragraph 11 below.

9. ☐ I hereby certify that each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement.
- ☐ I hereby certify that no item of information in the Information Disclosure Statement filed herewith was cited in a communication from a foreign patent office in a counterpart foreign application or, to my knowledge after making reasonable inquiry, was known to any individual designated in §1.56(c) more than three months prior to the filing of this Information Disclosure Statement.
10. ☐ This document is accompanied by ☐ a Search Report ☐ Communication which was cited in a corresponding ☐ PCT or ☐ Foreign counterpart application
11. ☐ A check in the amount of \$_____ is enclosed in payment of the fees due under 37 C.F.R. §§1.17(h) and 1.17(p).
- ☐ Charge the fees due under 37 C.F.R. §§1.17(h) and 1.17(p) to Deposit Account No. 13-4500, Order No. _____. A DUPLICATE COPY OF THIS SHEET IS ATTACHED.
- ☒ The Commissioner is hereby authorized to charge any additional fees which may be required for this Information Disclosure Statement, or credit any overpayment to Deposit Account No. 13-4500, Order No. 7015-4000US2. A DUPLICATE COPY OF THIS SHEET IS ATTACHED.

Respectfully submitted,

MORGAN & FINNEGAN, L.L.P.

By:


Kenneth S. Weitzman
Registration No. 36,306

Dated: October 27, 2003

Correspondence Address:
MORGAN & FINNEGAN, L.L.P.
345 Park Avenue
New York, NY 10154-0053
(212) 758-4800 Telephone
(212) 751-6849 Facsimile

FORM PTO-1449 INFORMATION DISCLOSURE CITATION	Attorney Docket: 7015-4000US2	Serial No.: To Be Assigned
	Applicant: William A. Hudson and Raymond Cracauer	
	Filing Date: Herewith	Group Art Unit: To Be Assigned

U.S. PATENT DOCUMENTS

Examiner Initial	Patent Number	Issue Date	Name	Class	Sub-Class	Filing Date
	1,983,101	December 4, 1934	G. K. Scribner			April 17, 1933
	3,563,206	February 16, 1971	Hermann			March 6, 1969
	3,584,769	June 15, 1971	Pinke			February 12, 1969
	3,670,966	June 20, 1972	Korda			February 1, 1971
	3,893,630	July 8, 1975	Bochmann et al.			March 29, 1974
	3,901,449	August 26, 1975	Bochmann			March 1, 1974
	3,924,768	December 9, 1975	Lemons			August 20, 1974
	4,241,856	December 30, 1980	Otterson			February 16, 1979
	4,281,778	August 4, 1981	Stull			January 18, 1980
	4,426,027	January 17, 1984	Maynard, Jr.			February 4, 1982
	4,494,878	May 23, 1989	Jacobi			December 27, 1988
	4,509,664	April 9, 1985	Petersen			March 23, 1983
	4,664,301	May 12, 1987	Hoyt			April 10, 1985
	Des. 298,015	October 11, 1988	Gendron et al.			September 30, 1985
	4,832,238	May 23, 1989	Taylor			April 6, 1988
	4,933,569	June 12, 1990	Merchlewitz			July 18, 1988
	5,120,148	June 9, 1992	Waters et al.			October 22, 1991
	5,152,314	October 6, 1992	Yandle, III			June 28, 1991
	5,303,869	April 19, 1994	Hudson, Jr.			July 19, 1993
	Des. 350,589	September 13, 1994	Hudson			October 25, 1993
	Des. 351,213	October 4, 1994	Hudson, Jr.			July 19, 1993
	5,370,279	December 6, 1994	Tardif			March 3, 1994
	5,435,469	July 25, 1995	Gager et al.			March 28, 1994
	Des. 369,111	April 23, 1996	Brass et al.			March 28, 1995
	5,598,955	February 1997	Reilley			July 18, 1995
	5,607,082	March 4, 1997	Cracauer			June 1, 1995
	5,609,272	March 11, 1997	Brass et al.			April 4, 1995
	5,624,061	April 29, 1997	Gager et al.			March 28, 1995
	5,649,664	July 22, 1997	Brass et al.			April 4, 1995

FOREIGN PATENT DOCUMENTS

Examiner Initial	Patent Number	Issue Date	Country	Class	Sub-Class	Translation
						<input type="checkbox"/> Yes <input type="checkbox"/> No

OTHER DOCUMENTS

	Catalog 86181 entitled "Hudson Professional Sprayers and Dusters", 8 pages.
	International Search Report, mailed on September 4, 2001, in connection with corresponding International Application No. PCT/US01/14605 corresponding to parent application serial no. 09/850,251, filed May 7, 2001

Examiner	Date Considered
EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP §609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.	

Express Mail Label No.: EU064955155US

[illegible]

FOREIGN PATENT DOCUMENTS						
Examiner Initial	Patent Number	Issue Date	Country	Class	Sub-Class	Translation
						<input type="checkbox"/> Yes <input type="checkbox"/> No

[illegible]

Express Mail Label No.: EU064955155US